

Offices of Alan S. Bernikoff

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RECEIVED

APR 16 2004

Mail Stop Petition;
Commissioner for Patents
Attn: Charlema R. Grant, Petitions Attorney
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

April 9, 2004

RE: Application No 10/044,463
Filed January 10, 2002
Attorney Docket No: 497872000400
Subject: METHOD OF IMMUNOMODULATION USING
THIONE-FORMING DISULFIDES
PETITION FOR REVIVAL

Dear Counselor;

I am writing in direct response to your notice of DISMISSAL dated March 23, 2004. Prior to addressing this highly important issue I would like to respond to your query Regarding my involvement in this matter.

I have been the Grassetti's tax accountant for a period of seven years. During my tenure with the Grassetti's I have been occasioned to learn about their battles with several Patent Attorney's and their employees.

One point Mrs. Grassetti was so furious with the firm of Morrison and Foerster and the lack of cooperation on the firms part that she pointed out to them the \$75,000.00 in fees collected from her has placed her no closer to the finalization then when she first became affiliated with their services.

The firm consequently withdrew from representation and merely, in accordance to Mrs. Grassetti's rendition, offered her a chronological guideline from which to gain compliance from the Patent Office for the future filing dates.

Additionally in respect to your letter, Mrs. Grassetti states that Davide Grassetti is the owner of the Patent and Camillo Moro resides in Italy whereby giving Mr Grassetti full control of the ownership decisions.

Further on September 26, 2002, when I notified the US Patent office of my intention to accept Mr & Mrs. Grassetti's offer to act in a secretarial position in efforts to respond under their direction to letters from the US Patent office and related communications I also placed the Patent Office on notice that the address they have on record was incomplete and erroneous. Their mailing address is 19810 Peppermint Falls Drive Jamestown, CA 95327

The letter you sent was to the incorrect address as well which with the load the United

States Postal Service carries, the forwarding process may be delayed a day or more.

Now to respond to your statement regarding me, I have, since becoming affiliated with Mr & Mrs. Grassetti sought out continuing education classes through the ABA Section of Intellectual Property Law. I am an associate member of the California State Bar Association (Taxation , Probate and Estate Planning Sections).

My membership number is, and I have disseminated that in my communications, 502543. Again this is specifically for educational purposes and not to be construed as a membership in any organization to emphasize the ability to practice law.

The schedule of maintenance fees were understandably confusing to the Grassetti's as they wholly relied on their representatives.

When I reviewed the mountain of materials and letters the Grassetti's brought to me I found missed filing dates and unfiled applications. I immediately began to file these documents to protect the Grassetti's and Moro's interest.

The proposed Patents are far to valuable to mankind to neglect.

I agree with your statement regarding the applicants prosecution of the application and the importance to having skilled workers in this field. The Grassetti's are "gun shy" to approach a qualified Registered Patent Practitioner due to their past experience.

I have plans, post tax season, to secure a firm recognized by the US Patent Office as a credible practitioner to further the interests of the Grassetti's and Moro to successfully keep the flow of information going to the US Patent Office.

I am well aware of the requirements for the payment of the maintenance fees to avoid abandonment of the Patent. Since the pilot case has already been abandoned I felt it incumbent on myself to get something filed in a big hurry at least to alert you that something is amiss with this patent and should be immediately addressed.

The Grassetti's have a right to exclude others from making, using or selling the patent. This protection affords the inventor the right to profit from their invention. Whether their intention is to utilize the invention themselves or license or assign the patent to others, they should still be afforded the opportunity to revive the abandoned patent if for nothing more than an unintentional failure to recognize the deadline.

Thank you for pointing out the agency action not being final within the meaning of Title 5, USC Sec 704 . I will act upon your notification and guide the Grassetti's to an acceptable Patent Agent so a Renewed Petition under 37 Code of Federal Regulations Section 1.137(a) can be submitted forthwith and resolve the abandonment problem.

Thank you for your cooperation.

Respectfully;



Alan S. Bernikoff,

CA Bar Sec No 502543

LDA No 2001-01, IRC PTIN Sec No P00438893



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Davide R Grassetti
1980 Peppermint Falls Road
Jamestown, CA 95327

In re Application of
Davide Grassetti and Camillo Moro
Application No. 10/044,463
Filed: January 10, 2002
Attorney Docket Number: 497872000400
Title of Invention: METHOD OF
IMMUNOMODULATION USING
THIONE-FORMING DISULFIDES

Paper COPY MAILED

MAR 23 2004

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(a) filed January 20, 2004.

The petition to revive under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR § 1.137(a)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely submit a response to the Notice to File Missing Parts of Nonprovisional Application mailed March 14, 2002. The notice set an extendable 2 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on May 15, 2002. A Notice of Abandonment was mailed on December 15, 2003.

A review of the petition submitted shows that the petition was not signed by a proper party of interest. All correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the named inventor(s) or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore, encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

The Office cannot aid you in selecting a registered attorney or agent, however, we do have a publication which lists all the patent attorneys and agents who are registered to practice before the Office. The publication, "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office," may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. In addition, applicant may obtain this information from the USPTO Internet Web Site [<http://www.uspto.gov/>]; by writing to the Commissioner of Patents and

Trademarks, Mail Stop OED, P.O.Box 1450, Alexandria, VA 22313; by calling the Office of Enrollment and Discipline at (703) 306-4097; or, through the Patent Assistance Center toll free number, 1(800)786-9199.

A review of Office records reveals Alan S. Bernikoff is not licensed to practice before the U.S. Patent and Trademark Office. However, if Mr. Bernikoff is authorized to practice before the U.S. Patent and Trademark Office, a registration number should be provided on any future correspondence.

The petition has **not** been reviewed on its merits. Nor has the change of address been entered.

Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

By facsimile: **(703) 872-9306**

By delivery service: **U.S. Patent and Trademark Office
(FedEx, UPS, DHL, etc.) 2011 South Clark Place
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202**

Telephone inquiries should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: **Davide R. Grassetti
19810 Peppermint Falls
Jamestown, CA 95327**

COPY

Please type a plus sign (+) inside this box →

PTO/SB/16 (2-98)

Approved for use through 01/31/2001. OMB 0651-0037

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53 (c).

INVENTOR(S)		
Given Name (first and middle [if any]) m DAVIDE	Family Name or Surname GRASSETTI	Residence (City and either State or Foreign Country) JAMESTOWN, CA

Additional inventors are being named on the _____ separately numbered sheets attached hereto

TITLE OF THE INVENTION (280 characters max)

METHODS OF TREATING INFLAMMATION USING
THIONE-FORMING DISULFIDES

Direct all correspondence to:

CORRESPONDENCE ADDRESS

Customer Number

→

Place Customer Number
Bar Code Label here

OR

Type Customer Number here

<input checked="" type="checkbox"/> Firm or Individual Name	Alan S. Bernikoff Offices of Alan S. Bernikoff			
Address (Mail)	P.O. Box 700 Soulsbvville, CA 95372			
Address (Phvs)	1216 No Hwv 49			
City	Sonora	State	CA	ZIP
Country	United States	Telephone	(209) 532-8821	95370 Fax (209) 532-9383

ENCLOSED APPLICATION PARTS (check all that apply)

Specification Number of Pages - 26 -

Small Entity Statement

Drawing(s) Number of Sheets - 4 -

Other (specify) Check in the Amount of \$80.00

METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT (check one)

A check or money order is enclosed to cover the filing fees

FILING FEE AMOUNT (\$)

\$80.00

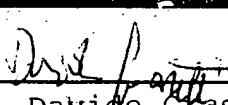
The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number:

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

No.

Yes, the name of the U.S. Government agency and the Government contract number are:

Respectfully submitted,

SIGNATURE 

TYPED or PRINTED NAME Davide Grassetto

TELEPHONE (209) 532-4565

Date 9/16/02

REGISTRATION NO.

(if appropriate)

Docket Number:

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C., 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C., 20231.